

SENATE BILL 2649

By Gardenhire

AN ACT to amend Chapter 297 of the Private Acts of 1976; as amended by Chapter 125 of the Private Acts of 1977 and Chapter 71 of the Private Acts of 2012; and any other acts amendatory thereto, relative to a hospital authority created to operate Baroness Erlanger Hospital, T.C. Thompson Children's Hospital and other facilities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 297 of the Private Acts of 1976, as amended by Chapter 125 of the Private Acts of 1977, Chapter 71 of the Private Acts of 2012, and any other acts amendatory thereto, is amended by deleting the following language from Section 3:

“SECTION 3. Said Hospital Authority shall be operated and controlled by a Board of Trustees consisting of twelve (12) members who shall serve without compensation but who shall be indemnified by the authority for any liability they might incur while acting in such capacity other than from culpable negligence. The original members of the Board of Trustees and their respective terms of office are declared to be those individuals whose names are set out below, and upon expiration of such terms the members of the Board of Trustees shall be appointed by the county judge of the county, the mayor of the city, the chancellors of the chancery courts, and the legislative delegation for four (4) year terms as provided in the next succeeding paragraph hereof. The following are confirmed as the original members of the Board of Trustees and shall hold office for terms ending as follows (or until their successors are appointed):

<u>Name of Trustee</u>	<u>Successor to be Appointed by</u>	<u>Term of Office Expires</u>
David P. McCallie, M.D.	Mayor	11-1-80
Mrs. Vi Ketchersid	County Judge	11-1-80
Stan Guthrie	Chancellors	11-1-80

Harry W. McKeldin, Jr.	Mayor	11-1-79
Sebert Brewer, Jr.	County Judge	11-1-79
Don J. Russell, M.D.	Mayor and County Judge (with approval of medical society)	11-1-79
J.E. Lawrence	Mayor	11-1-78
John C. Cantrell	County Judge	11-1-78
Claude Ramsey	Legislative Delegation	11-1-78
Charles Griffin	Mayor	11-1-77
Forrest Cate	County Judge	11-1-77

“The method of appointment of the members of the Board of Trustees after the expiration of the terms of the original members of such board shall be as follows: The mayor of the city shall appoint four (4) trustees, with the approval of a majority of the members of the Board of Commissioners. The county judge of the county shall appoint four (4) trustees, with the approval of a majority of the members of the county council. Said mayor and county judge shall jointly appoint one (1) trustee with the approval of the president of the Chattanooga-Hamilton County Medical Society, Inc., acting with the approval of a majority of the House of Delegates of said society, and with the approval of a majority of the members, respectively, of the Board of Commissioners and of the county council. The chancellors of chancery court shall jointly appoint one (1) trustee. The legislative delegation shall by a majority vote appoint one (1) trustee. The chief of staff of Erlanger Hospital shall serve as a trustee.

“Upon the expiration of the term of office of any trustee, his successor shall be appointed for a term of four (4) years by the authority appointing the trustee whose term has expired. The original trustees, for all purposes of this section, shall be considered to have been appointed by the mayor, the county judge, the chancellors and/or the legislative delegation as indicated in the above tabulation.

and by substituting instead the following language:

SECTION 3. The hospital authority shall be operated and controlled by a board of trustees consisting of eleven (11) members who shall serve without compensation but who shall be indemnified by the authority for any liability they might incur while acting in such capacity other than from culpable negligence. Trustees shall be appointed to four (4) year terms.

The method of appointment of the members of the board of trustees after the expiration of the terms of the members of such board serving on the effective date of this act shall be as follows:

- (1) The county mayor of Hamilton County shall appoint six (6) trustees, with the approval of a majority of the members of the county council;
- (2) The chief of staff of Erlanger Hospital shall serve as a trustee; and
- (3) The general assembly shall, by joint resolution, appoint four (4) trustees; provided, the members of the Hamilton County legislative delegation to the general assembly, by majority vote of the delegation, may recommend nominees to the general assembly for appointment as trustee. If the general assembly is not in session at the time a trustee is appointed to fill a vacancy resulting from the expiration of a term, the trustee whose term has expired shall serve until a new appointee is confirmed. If the general assembly is not in session, in order to fill a vacancy not resulting from the expiration of a term, a trustee may be appointed by joint action of the speaker of the house of representatives and the speaker of the senate after consultation with the Hamilton County delegation to the general assembly, and such appointee shall serve as a trustee for the term appointed unless such appointment is not confirmed within sixty (60) calendar days after the general assembly next convenes in regular session following such appointment.

Upon the expiration of the term of office of any trustee, the trustee's successor shall be appointed for a term of four (4) years by the authority appointing the trustee whose term has expired. With respect to the existing appointment by the chancellors of

the chancery court, no person shall be appointed upon the expiration of the term and the position shall cease to exist. With respect to the appointment for the expiring term for the trustee made by the county mayor and the city mayor with the approval of the Chattanooga-Hamilton County Medical Society, the appointment shall be made by the county mayor with the approval of a majority of the members of the county council. With respect to appointments for the expiring terms for the four (4) trustees appointed by the mayor of the city of Chattanooga, those appointments shall be made by the general assembly and the county mayor pursuant to this section; provided, that for the first such occurring expiration the appointment shall be made by the county mayor with the approval of a majority of the members of the county council and the general assembly shall make the remaining three (3) appointments as provided in this section.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Hamilton County. Its approval or non-approval shall be proclaimed by the presiding officer of the county legislative body of Hamilton County and certified to the Secretary of State.

SECTION 3. For the purposes of approving or rejecting the provisions of this act, it shall be effective upon becoming law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.